Previous references.

1895-6
191
(Sep. Reg.)

File No. 84 of 95-6
Serial Nos. 1-24

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-24

Major ~~Part~~ B. for October 1901

SUBJECT

Attachment and Sale of certain lands at Hadjana, Mysore Tq., for arrears of Excise Revenue due by Papegowda

---

Sl 1 From Vobanna of Hadjana
No. pet. 3531/C.166 Dt. 15-4-96
Appeals against the orders passed by the Dy Commr Mysore to the attachment and sale of certain lands belonging to ... on account of the arrears due by him

G. R. S. 58

GPB—4,000—4-7-11

Sl 2. From Janare Gauda of Hadjana

No. Pet. 3532/C.167 Dt 15-4-96

The same Subject as in the Sl 1. above

Sl 3. To The Dy Comr. Mysore

No. C. 33. Dt. 9-5-96

Forwards the above petitions for submission of the entire proceedings connected with the case with a full report of the same

Sl 4. From The Dy Comr. Mysore

No. 1263. Dt. 10-2-97

Reports on the petns of Vohanna and Janare Gauda of Hadjana

Sl 5. To The Dy Comr Mysore

No. 9249/P.1569 23-4-97

Requests to send the bonds executed by the Contractor and his sureties for reference

Sl 6. From The Dy Comr. Mysore

No. 1719 Dt. 17-5-97

Forwards the Mutchalika executed by the Contractor Pape-Gauda and his sureties

Sl. 7 To The Dy Comr Mysore
No. 11509 / D.7.68.96 Dt. 26-6-97

States that the arrears may be recovered by selling the right title and interest of the defaulter and husband

Sl 8 To Valamma of Hadjana
No. 3581 Dt 2-7-97
States that the arrears due by him will be recovered by selling the right title and interest

Sl 9 To Javaregowda of Hadjana
No. 1353.2 2-7-97

same as in the Sl. 8 above.

Sl 10 To The Ex Comr
No 171 / Ex 19 12-7-97

Requests to state what measures the Dy Comr proposes to clear the arrears due by the defaulter Papegowda

Sl 11 From The Ex Comr
No. 1357 / 63 6-8-97

Requests to return the records connected with the arrears due by Papegowda Toddy Vend farmer

Sl 12. To The Ex Commissioner
No. 2006/Ex 68 Dt. 21-8-97

Returns the records connected with the case of papegauda.

Sl 13. To The Ex Comr.
No 87/Ex 6 6-7-98

Calls for information as to what measures the Mysore Dy Comr. proposes to adopt to clear the balance of arrears due by papegauda.

Sl 14. From The Ex Comr.
No 283/15 7-7-98

States that the information asked for has not yet been received from the Dy Comr Mysore

Sl 15. To The Ex Comr. 17-8-1900
No 1549/Ex 7. 38 of 98

Calls for information regarding the proposals adopted by the Dy Comr. Mysore to recover the arrears due by papegauda.

Sl. 16. From The Ex Comr.
No 1256/63 Dt. 20-8-00

States that a reminder has been sent to the Dy Comr. Mysore to furnish the information called for

Sl 17. To The Dy Comr Mysore
~~No~~ The Ex Comr
No 2121-22 Dt. B 9-00
Ex7.38 of 96

Requests to submit his report on the above case without delay

Sl 18 To The Ex Comr
No 3883 12-11-00
ex7.38 of 96.

Invites the attention to submit his report on the above case without further delay

Sl 19 From The Ex Comr
No 2795 6-11-00
146

Reports the cause of delay in furnishing further information regarding the arrears due by Pape Gauda

Sl 20 To The Ex Comr
No 226 10-7-07
Ex7.38 of 96

Calls for information as to the measures the Dy Comr Mysore proposes to adopt to clear the arrears due by Papegauda

Sl 21. From The Ex Commissioner
No $\frac{1648}{67}$ Dt. 23-8-07

States that the arrears due by Papegauda are irrecoverable and they may be ordered to be written off the accounts

Sl 22. To The Ex Comr
No $\frac{4466}{Ex\ 7.38 of 96}$ 11-9-07

Requests to submit a detailed report as to whether any property of the man was proceeded against and any more is not available

Sl 23. From The Ex Comr.
No. $\frac{2100}{89}$ 14-9-07
States that only Rs 87/- were recovered from his property and the balance of Rs 1945-5-2 has been recommended to remission

Sl 24. To The Ex Comr.
The Comptroller
No. $\frac{5740-41}{Ex\ 7.38 of 96}$ 2-10-07

Sanctions for the remission of Rs. 1945-5-2 of arrears due by Papegauda

T. V. Ramaswamy Iyengar

Communicated
[illegible]

Note

One pape gowda was the toddy Vend farmer of Hadjana & 9 other villages Mysore Taluk, for 1892-93. He paid up the Khists for two months and then fell into arrears amounting to Rs 2032-5-2. ~~For realizing this amount, certain property in the joint registry~~ His sureties were ~~also~~ his close relations For realizing the amount of arrears certain immovable properties in the joint registry of the defaulter's father & his uncle were attached by the Deputy Commr (vide precis & ~~memo~~ Officer not sk no $\frac{7\,KW}{a}$ & $\frac{7\,KW}{b}$ on the file Counter claims ~~for~~ were put forward by Javere gowda (pape gowda's father) & another The record's of the case were called

for and ~~on a per~~ the Govt

In their proceedings of 26th June 197 rejected the "exclusive" claims set up by the petitioners and directed the Deputy Commr. to proceed to recover the arrears by the sale of the right title and interest of the ~~[illegible]~~ defaulter & his sureties in the properties in question. In July 197, the Excise Commr. was ~~asked~~ requested to state what measures the Deputy Commr. would propose to adopt for clearing the heavy balance referred to. Since then reminder after reminder has been issued and the Excise Commr. in his letter under reference reports that as per remission statement now submitted the total amount of arrears viz Rs 1945-5-2 is reported to be quite irrecoverable as there is no means of recovering the amount and solicits sanction to the

Sl. no. 7

Sl. no 10

amount being written off the accounts. The records have not been sent. It is however reported by the Excise Commr. that the amount is quite irrecoverable as there is no means of recovering the same.

Submitted to Secy

The amounts recovered are:—

1) Rs. 578-10-0 from security deposit &c.
2) Rs 2000-0-0 realized by re-sale of the contract.

Whether any amount was actually realized by sale of the defaulters' properties does not clearly appear from the statement. Anyhow it is reported that the balance is quite irrecoverable

2/9/02

But ~~require~~ call for a detailed rept as to whether any property of the man was proceeded against or whether any more is not available

7/9

4

in reply to the ~~above the~~ ~~[illegible]~~ regn calling for the above inform the Ex Comr reports that the property of the defaulter Pape Gowda as well as of his sureties was put up to public auction & only Rs 87/- were thereby realized There are malarzans in the vernacular file rend from the Ex Comrs, to show that neither the defaulter nor his sureties have any more properties to be proceeded against -

subd ~~to Secy~~

Rs. 1945-5-2 is the balance to be remitted [illegible] 24/9/01

Thru 24/9/01

This has to be remitted as all the steps possible have already been taken [illegible] 24/9/1901

To the 2nd Councillor

Recd 24/9.

Yes - Remit - It is a matter for regret that the man was allowed

to fall into arrears to such a considerable extent - [illegible] 25-9-01

Issue [illegible] 25/9

Before the Government of Mysore.

Appeal No. 175 of 1895-96.
353/1435-32

Appellants	Vs.	Respondents
(1) Obamma		1. Pape Gauda
(2) Javare Gauda		2. Venkataramana Gauda
		3. Chik Anne Gauda

Appeal against the attachment & sale of certain lands and a house at Nadjana Mysore Taluk for the recovery of the arrears of excise revenue due by 1st Respondent.

List of papers in English

Obamma's appeal petition
(2) Javare Gauda's appeal petition
(3) Official Memorandum
(4) Deputy Commr's report of 10.2.97
(5) Docket to Dy Commr of 23.4.97
(6) Dy Commr's docket with the Contractors Muchalika
(7) Prees
(8) Office Note.

9

of the property can clearly be proceeded against, as the liability of a surety is the same as that of the principal

The right of a Hindu widow to reside in the joint family house does not seem to be ~~capable~~ sustainable against Govt, as the lands, when forfeited, pass to Govt free of encumbrances

The only doubt is whether Abkari arrears may be said to be a charge ~~arrears~~ on the land in the same way as land revenue & secn 193 of the Land Rev. Code seems to meet it

The questions raised in this case are questions generally raised in civil courts and might have been avoided, had the Excise Dept taken care to ~~have~~ reject all dubious sureties

Council case (clause (b) of para 10 of Rules of business)

Sub'd to 2nd Councillor

[signature] 26/3/97

Rd. 11.30 Am
28/3/97

to the plea of self-acquisition but only to the plea of division

On the other hand the admission of the petrs that Javare Gauda (2nd petr) was in charge of the Toddy Shop at Hadjana and that the Contractor Dape Gauda had no separate house of his own shows that Javare Gauda & his son were undivided in interest.

The Court witness, the Patel has deposed glibly in favour of the petrs but when questioned about the distribution of toddy shops, pleaded ignorance as the answers were likely to be unfavourable

As regards the 1st petr Obamma, her refusal to question the sale is even more shadowy. The heir to Anne Gowda being child Anne Gowda, the 2nd Surety one-half

7

only the right, title & interest of the defaulter & sureties Sh^d be sold, as pet^rs & the defaulter are divided

The Dy comm^r was asked to report & to hold the order in abeyance pending the spiral of the appeal

On a careful perusal of the records (summarised in a precis) it appears that the Dy comm^r's conclusion that pet^rs have been set up by the contractor to put forward false claims in order to evade payment of Khists is correct

It has been admitted by the pet^rs in their depositions before the amildar that, beyond their bare statements & the statements of their three witnesses, there was nothing to show that ~~either~~ a division of the family property had taken place or that the property was self-acquired

The statements of the three witnesses are not refer

7 KW / a

Pet^ns Nos 3531 & 3532 of 1895-96
A.S. 175

Pet^rs – (1) Obamma
(2) Javare Gauda

Subject – Appeal against Dy Comm^r order directing the sale of a house & s^nos 179 & 180 for realizing the arrears due by 2nd pet^r's son

Post in the usual course & give notices to all concerned
[illegible]
28/3/97

Bringing for posting
[illegible] 2/4/97

~~[illegible]~~ 2 Call for the Surety bond & agreement of the contractor
[illegible] 23/4/97

Venkata Gowda (deceased)

- Javare Gauda (2nd pet^r)
  - Pape Gauda (contractor)
  - Venkatrama Gauda 1st Surety (+ 6 more sons)
- Anne Gauda { 1 Obamma, 2 Zellamma
  - Chik Anne Gauda 2nd Surety

For realizing the Abkari arrears amounting to Rs 2032-5- (Khists from July to October 1892), [illegible] the Dy Comm^r directed the sale of the house & land in the joint registry of Javare Gauda & Anne Gowda, the parties being related to each other as shown in the margin

The pet^rs' ground of appeal are

(1) That the land proceeded against are self-acquired property & not partible among sons

(2) That even if held other sons

Posted to 14th June 97 for hearing at Mysore

(7 K W / 6)

10

Copies of Vernacular Records connected with the Appeal Petitions presented to this Office by Vobanna and Javare Gowda of Hadjana in the Mysore Taluk, against the orders of the Deputy Commissioner of the Mysore District —

The history of the case under appeal is briefly as follows: —

1. One Papi Gowda of Hadjana, had the Toddy Contract of Hadjana & other villages in the Mysore Taluk, for the year 1892/93 and had the Khists paid up punctually, to June/92

2 As the Khists due for the months of June and July/92, have not been paid — and they have been allowed to fall into arrears by the Contractor, a notice was given to them by the Amildar of Mysore

stating

stating that he should pay up the Khists in arrears, on or before the 31st August/92: that he should insure the payment of Khists punctually in future, by a tangible surety: that in case of his failing to do so, his contract will be cancelled — and given to others — subjecting him to all the loss is accruing thereby.+ A similar Notice was also given to his sureties Yalimoga and is Venkatramaniah, demanding them for the arrears due by the Contractor Papegowda, for the months of June, July, and August/92.+

Vide Notice of 28. 8. 92. Page 1.

Vide Notice of 24. 9. 92 Page 4/3.

3. On the 15th of October/92 the Amildar of Mysore issued an order to the Sheikdar of Kodanahulli, calling upon him to report the steps taken by him towards the is recovery of the arrears of Khists due by the is Contractor, as well as in having from the is Vendors daily, the sale proceeds of Toddy.+

Vide order No. 255 of 15. 10. 92 Page 2.

4. A Notice was again given

given by the Amildar & the Contractor, calling upon him & pay up the arrears of Khists due by him for the months of June, July, August, & September/92; but no notice was taken of it by the Contractor Consequently the Amildar of Mysore issued orders & the Shekdar of Sindhuvalli and Kodanahulli, directing them to attach both the moveable and the immoveable properties of the Contractor and his securities - and recover thereby the arrears of Khists due to Govt. by the former

Vide Notice of 20/10/92 page 3/3.

Vide Nos 364 & 325. Pages 3/4. of 15.12.92

5 On the 3rd January/93, the Shekdar of Kodanahulli attached both the moveable and the immoveable properties of the Contractor and his securities - and reported the same to the Amildar together with the list of the properties attached. The Amildar in reply to the above, directed the Shekdar to forward all the moveable properties, to Mysore for sale according the Shekdar took all the moveable properties to Mysore where they were sold on the 31st January 1893.

Vide No 1, 85. Pages 4/4 & 4/6.

Vide No 357 Page 4/5.

Vide No 52 Page 4/5

Vide sale list. Page 6

6. On the 17th February 1893 both Vobamma and Javaré Gowda presented a claim petition to the Amildar stating that the house and lands under attachment, are theirs: that the attachment of them for the arrears due by the Counter Petitioner, is contrary to the Rules: that orders may be given for the release of the properties under attachment.

Vide Petitions. Pages 7 & 9.

7. The Amildar having heard the Petitions read, ordered that they may be taken on the Revenue file — and posted for hearing on the 28.2.93 — & that process may be issued for the attendance of the witnesses called for by the Petitioners.

Vide order of 17.2.93. Page 7.

Subsequently the date of hearing appears to have been changed from 28-2-93 to 7.3.93. However the case came on for hearing on the 7th March 1893 — when the Amildar examined the Petitioners on oath, and recorded their statements which are as follows: —

1st. Statement of Vobamma.

Javaré Gowda is my brother-in-law,

brotherin law My
husband had two wives
one of whom is myself
and the other is Yalamma
Yalamma has a son
named Annich alias
Venkataramana. My
husband and Javaré
Gowda, are brothers.
My husband gave me
the house in which I
now reside — and it is
of 4 Ankanams. My
husband has also
given me half of the
fields My husband
effected the division
of the house and the lands,
between me and his other
wife, when he was alive
I have let out my share
of the land, for Warram
cultivation. I live in
the house allotted to my
share. I own a share
in the backyard too

By the Court. I have no
papers to prove that
My husband effected the
division Yalamma
maintains her son
Kurubara Dode Gowda
cultivates my land
Yalammas

Gyalamma's son who feeds me I get two in "Candies of Cholam to my share There is only one entrance door to the house. The plate produced before the Abkarry Inspector at the time of attachment, belongs to Gyalamma I did not produce the said plate Javaré Gowda was in charge of the Toddy-shop at Hadjana.

2d

Statement of Javaré Gowda.

The house now in occupied by me at Hadjana, was built jointly, by me and by my brother Aimé Gowda about 20 years ago It is 15 years since the division took place between me and my younger brother. During the division - I got half of the house and the in "Hittal." I live in my share of the house. My son Venkataramana Gowda, has hardly any claim

claim over this house.
My younger brother Anne
gowda, had half of all the
properties. I pay Candaya
to my lands, and enjoy the
crops. The lands alluded
& in the above, have been
acquired by me and by
my younger brother - and
we had in consequence
a Joint Patta for them.
I now produce for perusal
the said Joint Patta. Mark
A.
By the Court. My fathers
name is Venkatégowda
and his occupation was
that of an Ledigar - and he
had a Doddy shop. I bought
the Candayam lands from
one Barbar Keempa.
Only two of my sons are
in my charge - and the
rest are not. The house
is divided; but the partition
walls have not been
put up. My younger
brother is dead. His son
Anniah also, lives in the
same house. I have
no papers & prove that
the house was built
jointly, by me and by
my younger brother.
There is no partition
died

deed to prove the division between me and my younger brother. I have no papers to prove the separation of my sons. I have given no is separate house to my sons Papa, is Venkataramana and others. They are ah is Kadakola for the last 3 or 4 years - and they are employed there in tapping the date trees. I have no accounts to show that the house was jointly, built by me and by my young brother. The house has only one entrance gate. I live in this house with my sons Chickaniah and two others. Papa's wife lives with him ah Kadakola. Papa has no house of his own ah Kadakolla - and he lives in one Rediger. Sidama's house there. The Toddy-shop ah Hadjana, was under my charge. Yalimoja was selling toddy ah Ammanavarakola.

8. The three witnesses examined

examined on oath, on the 18th April 1893, for the petitioners, depose as follows:—

Siddi Gowda 1st Witness

I know the complainant and his younger brother Annah. The house wherein the complainant now resides, was jointly built, by him and by his younger brother. Both the complainant and his younger brother, effected a division about 20 years ago. The house and lands have been divided into two shares. The complainant has his share of the properties in his enjoyment. Annigowda had his share of the house and lands divided between his two wives. Javaré Gowda has only 3 of his sons under his custody and not the other three.

By the Court. Javaré Gowda's elder sons have given up all their share of lands and houses, to their younger brothers for the purpose of having themselves married. The elder sons live separately.

M.

The house had a thatched roof at the time of the Complainant's father; but it was subsequently pulled down by the Complainant and his younger brother, and built again with a tiled roof. I cannot give the number of the Ankanams of the thatched house.+

Vide - page + - 19

Eriah. 2d. Witness.

I know the Complainant Javari Gowda - and his younger brother Anniah. They lived together - and built the house jointly. Two or three years after the house was built - they effected a division of their properties. i.e. house and lands. Javari Gowda has his share of the house and lands in his enjoyment - while Anni Gowda had his share of the house and lands, divided and given to his two wives - and had them thus left to their enjoyment.

By the Court. Anniah & his two wives, lived together when

when he was a nine.
Anniah died a year
after the division between
him and his brother Java
Gowda. The division of
the properties by Anniah
between his two wives,
was six months prior to his death

Vide page 20.

Bassaniah - 3d Witness
I know the complainant
Javaré Gowda and his
younger brother Anniah
I also know the complainant
house which the compt
and his younger brother
Anniah, built jointly
having tiled roof in
lieu of the thatched one.
The fields belong to both
the complainant and
his younger brother
Anniah. The house was
divided into parts - one
of which was taken by
the complainant - and
the other by his younger
brother Anniah. Javaré
Gowda lives in his share
of the house - while Anniah
had his share of the house
divided and given to his
wives Vobamma and
Yalamma who are the
inmates of the house now
Anniah divided and gave
his share of the lands also

to his wives. One Kurubara Dodi Gowda cultives Vobamma's land. Besides the house and the lands — I know no other property which could have been divided by the Compt. and his brother.

By the Court. Contractor Papi Gowda and his 1st surety Yalimoga, are the sons of Javari Gowda — while the 2d surety Anniah is Javari Gowda's younger brother Anni Gowda's son. Anniah lives with Yalamma in the same house where the complainant resides. Yalimoga and Anniah were in charge of the Toddy Shops at Kadakole — and Sackalli, respectively.

Potail Eriah.
Witness for Court

I know the complainant Javari Gowda — and his younger brother Anni Gowda — they are the sons of Vankate Gowdah. I know Javari Gowda's house at Hadjana. It was built jointly, by the complainant and his younger brother.

It

It had a thatched roof which the complainant and his younger brother removed, and had it substituted with a tiled roof. The fields also belong both to the complainant and his younger brother. A division of the house & the lands took place between the compt. and his brother. Javaré Gowda is in the enjoyment of the properties allotted to his share — Anne Gowda divided and gave his share of the properties, & his wives Vobamma and Yalamma — Anné Gowda died a year after this division alluded to in the above. Javaré Gowda has 8 sons. Four of whom Papé Gowda, Marry Gowdah, Yalémaga, and Bollé Dassa, are is married — and the rest are not. The married sons of Javaré Gowda reside at Kadakola — while those the [illegible] married, live with their father Javaré Gowda. Anne Gowda's 2d wife has a son

named

named Chickaniah
alias Venkatramana,
and he stops at Sakalli.
The house and lands
of Annigowda, are
in the possession and
enjoyment of his wives
Vobamma and Yalamma.
Poddy Contractor Papé
gowda and his first
surety. Yalémoga, are
Javarigowda's sons.
While the 2d surety is
Anniah is the son of
Annigowda. Complainants
brother. I dont know
the Poddy Shops which
each had. I dont know
who had the charge of the
Poddy shop at Hadjana.
Contractor Papa was
sending to me the collectors
of the Poddy Shops at is
Hadjana - and it was
in accordance with
the order given to him
from the Paluk. I used
to remit to the Paluk
Cutcherry all the collections
which were sent to me
by the Contractor. I will
inquire and report the
names of persons who were
in charge of the Poddy shop.

note

Note. The examination of the Potail was on the 12th September 1895 – while the examination of the other witnesses was on the 18 April 1893. –

9. The Amildar having closed the examination of the witnesses called for by the Petitioners, submitted a report to the Deputy Commissioner stating that the late contractor Papé gowda had the Toddy contract of Kinchanahulli and other villages in the Mysore Taluk: that the contractor carried on the management of them supported by his father and brothers: that the sureties of Papégowda were his brother Yalémoja – and his uncle Annegowda's son Annaiah: that the Toddy shop at Kadakola was under the direct management of the contractor – while the rest were under the management of his father and brothers, as detailed below: –

1. Venkataramana brother

brother and surety of the Contractor, had the charge of the Toddy shop at Ammanavara-Kola.

2. Toddy shop at Hadjana, was under the management of Javarigowda the Complainant.

3. Toddy shop at Sakalli was in charge of the Contractor's 2d Surety Anniah.

4. Marri gowda brother of the Contractor, had charge of the shop at Dyavalapura.

5. Another brother of the contractor, had the shop at Kinchana-hulli:

that the other brothers of the Contractor, have been employed to tap the date trees in the date grove of Yachana-hulli:

that a portion of the collections of the said shops, has been used by the Contractor for the maintenance of his joint family and the up-keep of the contract work while the balance together with the collections of the

3 or 4 shops which were
sublet to others, has been
paid towards the Khists
due by him to Govt.
that the Contractor however
continued to pay up the
Khists punctually till
the end of May 1892: that as
the Contractor failed to
pay up the Khists since
June 1892, several
notices were given to the
contractor demanding
for the arrears due by him
but no notice was taken
of them: that the Contract
was therefore Cancelled
and given to another is
under the orders of the
Deputy Commissioner
that the house and lands
of the Contractor and his
sureties, have been
attached an account
of the arrears due by the
Contractor: that as the
Contractor, his father
and brothers were found
to live together, their joint
property the house and
lands, has been attached
an account of the
arrears due by the late
Contractor: that the late
Contractor and one of his
sureties Annich, have
set up father and step-mother
respectively

respectively, & file
an objection in re, the
attachment and sale
of their house and lands,
and to have them thus
released from the is
attachment: that
the witnesses examined
for the petitioners are
not trustworthy: that
the division of the house
& lands, has not been
proved by any docum-
-ments: that from
the local enquiry
instituted by me in
the matter of division,
it was found out that
the house and lands, have
never been divided in
between the petitioners
and have never been
enjoyed separately,
by them: that the object
of the petitioners in
filing ~~a~~ objection
petitions with regard
to the house and lands
under attachment,
is ~~with a view~~ to evade
the payment of the
money due to Government
that orders are therefore
solicited to sell the is
properties under
attachment

Vide No. 33 of 22. 2. 94. Page 22.

attachment.

10. The Deputy Commissioner in reply to the above report, from the Amildar, stated [illegible], may be done.

Vide No. 71. Page. 22.

11. The Amildar immediately on receipt of the said order from the Deputy Commissioner issued a notice and a proclamation, announcing the sale of the attached properties on the 11th September 1895, and also gave an endorsement to the Petitioners stating that as the Deputy Commissioner, has sanctioned the sale of the attached properties, nothing more can be done to them in the matter: that in case of their having any claim to the properties under discussion, they should try to establish the same either in the appellate or other competent Courts, and produce the order of such Courts, on or before the end of February 1896: that in case of their failing to do so, their properties

Vide Pages 23 & 24.

properties will be sold.+

Vide+ Page. 22.

12. The date of sale was changed from 11.9.95 to 21st March 1896, and a fresh proclamation issued+. As the petitioners failed to produce any reference from Courts, land No. 180 together with 3 vacant sites, was sold on the said date+, & a deposit of Rs. 9, was received from the last bidder who failed to pay the full amount of the sale on the date given in the proclamation, and the sale had therefore to be cancelled+.

Vide+ Page No. 27.

Vide+ Sale list. Page-28.

Vide No. 122 of 30.5-96.

13. Vobamma and is Javaré gowdah presented a petition to the Deputy Commissioner, praying for a review of the order already passed by him in their case. The Deputy Commissioner in reply stated that he cannot do any thing more in their case, as his predecessor has already heard their claim said to exist over

over the property upon attachment - and disposal of the same.

Vide order No. 125.

14. Vobamma and Javani Gowda's appeal to this court now, is against Deputy Commissioner's orders Nos 71 and 125 dated 5-6-95 - and 19.3.96 respectively.

The grounds of appeal put forward by Vobamma are;

(1). That Petitioner is the widow of one Anni Gowda - who has a brother by name Javani Gowda. These two brothers jointly acquired a house & two lands in the village of Hadjana. They divided 20 years ago. One half of the house and lands S. Nos 179 & 18. fell to the Petitioner's husband's share. Pet. husband had two wives one the Petitioner herself, and another Galamma by whom the Pet's husband had a son Anni Gowda.

(II) Owing to the strifes in

3 in the family between the two wives, the Petrs husband is divided what he got for his share, and gave one half to the Petitioner, and is another half to the other wife. Since then the Petitioner has been in is possession and enjoyment of her share - Viz 1/4 of the whole of the properties. Petrs step son is Annigowda became defaulter - he having been a surety for is another taking toddy vending Contract.

(III). For the arrears due by the step son, the Petitioner's is properties were also attached in 1893. The Petitioner immediately put in a claim petition, and proved her case from the evidence

evidence of 5 or 6 ⁝
witnesses. Court
witness also ⁝
supported the claim
of the Petitioner. No
orders passed ⁝
excepting that a
communication
was sent in Febry
that the Deputy Commr
decided that the property
should be sold. The
Petitioner had no notice
of the hearing before
the Deputy Commr.
Petitioner's property
cannot be sold for
arrears due not
upon the land - but
from the step-son
of the Petitioner - in
respect of Ab Karry
contract.

(IV) The reasons urged
in my husband's
brother Javaré ⁝
Gowda's case, apply
for this case also.
Under section 16
of the Land Revenue
Code - no more than
the right title and
interest, could be
sold. The Deputy
Commr. did not
grant

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grant any relief nor would he is adjudicate upon the merits — as he says that the matter has been disposed off by his predecessor. The review filed was also rejected. This order is filed with the appeal memo of my husband's brother.

That the petitioner says that one fourth of the properties the specific portion of which have been described in the claim petition, may be released from attachment: that not more than the right title and interest of the is defaulter, may be sold: that such other relief as Govt. may think fit, may be granted: that pending the disposal

of this appeal, an
order may be sent
& the deputy commr
not to confirm the
sale of one land which
has already taken
place, and not to sell
the other properties
which sale has not a
yet taken place: that
the necessary papers
sent herewith, may
be pressed together
with the telegram
sent on the 2nd Sept.

The enclosures of the
appeal petition are

(1.) Deputy Commrs
order No. 71.

(2). Sinclair's order
No. 43, stating that
as the deputy commrs
has same bound the
sale of the attached
properties, nothing
more could be done
for them — that if they
have any claim
over the attached
properties they
should establish
the same in a competent
court — and produce
orders of such court
for reference — on
or before the end of Feby
1896. If such the attached
properties

5 properties would be sold.

(3). Dy Commrs Order No 126 — declining to grant a review of the order already passed by his predecessor.+ —

Vide Appeal Petn No 3531/166.

The grounds of Appeal adduced by Javaré Gowda are; —

(I) The Petitioner and his brother Anné Gowda, jointly acquired a house and two dry lands S. Nos 179 and 180, in the village of Hadjana.

(II). About 20 years ago the Petitioner and his brother Anné Gowda, divided themselves — and the northern half of the house, and half of the dry fields fell to the share of the Petr appellant. These are therefore the self acquired properties of the Petr.

(III). The Petr has got

8 sons living. Pape
gowda one of the sons,
left the Petitioner's
house about 18 years
ago — went to a different
village i.e. Kadakolla
and has him living
there with a kept
woman. It appears
this Pape gowda i.e.
became a contractor
for vending toddy
in the village of i.e.
Kadakolla of which
he was a resident
& became a defaulter
to the Government
in 1893.

(IV) For the arrears due
to Government by Pape
gowda — the Amildar
of Mysore Taluk, attached
the whole house and land
Nos 179 and 180 — which are
the sole properties
which the Petitioner and
the descendants of the
Petitioner's brother
had, and which they
jointly acquired — i.e.
excepting these the
petitioners and his
sons have no property

(V) The Petitioner as
soon as he heard of the
attachment — put
in

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in a claim petition urging his claims thro an advocate. Examined 8 witnesses, & prove that the is attached properties are the self acquisitions of the petitioner and his brother, and that the defaulter has not been enjoying the properties.

(VI) The Amildar also, in order to is satisfy himself as to the truth of the claim, examined the Potail, Shanbogue, and other witnesses as Sirkar witnesses, and they also bore out the claims of the Petitioner. After this the Amildar reserved the case for orders.

(VII). This Amildar was succeeded by another, and he in his turn by a 3rd gentleman who issued an endorsement to the effect that the Deputy Commr

Commissioner decided that the properties should be sold, and that I might appeal against the order or produce in Judgements or orders to show why the sale should not take place

(VIII). This endorsement No 43 dated 13. 2. 96, is produced herewith. The Petitioner put in his claim petition in February 1893. There was no formal order passed by the Amildar allowing or disallowing the claim. The Petitioner learnt a few days ago that the Amildar had made a report to the Deputy Commr, and that the order [illegible], was communicated to the Amildar by the Deputy Commissioner. An authenticated copy of the order of the Deputy Commr, is filed herewith.

(IX) The Petitioner incurred some 70 or 80 Rupees expenditure for formally proceeding

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proceeding with his claim by engaging a lawyer, by summoning witnesses &c. several times - that the case came for hearing and he was entitled to a formal order being pronounced by the Amildar either allowing or disallowing the claim. Instead of this - an endorsement referred & above - and which is filed herewith and dated 13. 2. 96, is given to the Petitioner some 3 years after the institution of the claim, and almost 2½ years after closing the case.

(X) The Petitioner was no party to the order passed by the Deputy Commr. The Petitioner was neither heard nor had he any notice of the hearing.

(XI) When an appeal was filed to the Deputy Commr.

commissioner he did
not interfere on the
score that there was
already a Canarese
order passed by his
predecessor - Viz the
order & & Wo & Son.
When a review apple-
cation was filed in
requesting the present
Deputy Commissioner
to review the order
amongst other reasons
for the reason that the
absolute sale is
opposed to section
161 of Land Revenue
Code, and under which
right title and
interest of the defaulter
in properties if any
may be sold. The Dy
Commissioner would
not grant the review
too - nor was he is
pleased to grant
15 days time till
when the sale could
have been postponed

(XII) Upon this - the
petitioner and his
brothers widow
Vobamma who has
also put in a claim
petition for her share
sent to your honor a
telegram

telegram on the 28th
4 Instant (March).
Your honor sent
me the order is
requiring me
~~the order requiring~~
~~me~~ to file the appeal
in proper form.
This copy is also
filed herewith.

(XIII). The property
attached, is in the
joint Patta of the
petitioner - and his
brother. It must be
his self acquisition
as the petitioner
contends, and as
he proved beyond
doubt, the son has
no right, and
therefore, the property
cannot be made
liable to be sold
for the arrears not
due upon the lands
but due from a
son who has been
living separately.

(XIV) If the property
is ancestral - the
petitioner has got
seven other sons
living, as heirs.
besides

besides himself. How
can the whole property
be sold for the circumstance
due by one son.
Will not the absolute
sale create innumerable
litigation and fight
between the purchaser
and the Petitioners. It
is for this purpose
that section 161 R. Code
provides, that when
other lands or properties
alleged to belong to the
defaulter, are sold,
only the right, title
and interest of the
defaulter will be
notified for sale.
When by claim
petitions, it is shown
that the defaulter has
no interest at all
in the attached
properties. They
should be released
from attachment.
That the Petitioners pray
that the northern half
of the house and "Kittal"
and one half of the
lands S. Nos 179 & 180,
and which specific
portion is specified
in the claim petition
of the Petitioner, may be
released from
attachment.

attachment.

(B): That in case the Government think that execution should take place, there being seven brothers - and one father, besides the son Papé Gowda (defaulter) the Govt. may direct the Deputy Commr., & sell only $\frac{1}{9}$ share out of half the ⅔ properties ⅔ attached, which half came to the petitioner's share in the Dn. between him & his brother.

(C). That if nothing else could be done an order may be passed & sell only the right title and interest of the ⅔ defaulter.

(D) That pending the disposal of this appeal, the sale of one field which has already taken place for Rs. 32, may not

not be confirmed, and that an order may be sent to the Deputy Commr. that the sale of other lands may be postponed.

(E). For such other relief the Court might think fit to grant.

The enclosures of the appeal Petition are:—

(1) Deputy Commrs. order No. 71.

(2) Amildars order No. 80 stating that nothing more could be done in this matter as the case is being pushed on under the order of the Deputy Commissioner, based on his report.

(3). Deputy Commrs. Order No. 125, declining to do any thing more in the case — as objections have already been heard — and a final order No. 71, has been passed by his predecessor.

(4) — do — do — No. 127 declining to reopen the case.*

*Vide appeal Petition No. 3532/167

15. The records of the case together

together with a report, has been called for from the Deputy Commissioner under order of the 2d Councillor.

Vide order of 6.5.96

16. The Deputy Commr. in forwarding the vernacular records of the case, reports as follows:—

(1). Contractor Papé Gowda is very closely related to Venkataramana alias Yalimoga and Chicka Anné Gowda, the 1st and 2d sureties respectively, as shown in the subjoined genealogical tree.

Venkategowda

- (Petitioner) Javarégowda
  - (Contractor) Papa Gowda
  - Venkatramana Gowda alias Yalimoga (1st Surety)
  - Marigowda
- Annégowda
  - (1) Vobamma Petitioner
  - (2) Yallamma
    - Chicka Anné Gowda 2d Surety

(2.) Papégowda having failed to pay up his Khists from July to October 1892, which amounted in all to Rs. 2032-5-2, he and his sureties were proceeded against

against and they yields and houses referred to in the appeal petitions were put to auction as per this office order No. 71 dated the 5th June/95. The present appeal to government by Javare gowda and Obamma is against this order.

3) The purchaser of the said immoveable property deposited Rs. 9, but failed to pay the full amount of the bid at the proper time. All further proceedings have however been stopped as per instructions contained in para 3 of the memo under reference.

4) From the statements of the witnesses (to be found in the file) cited by the Petitioners, it would appear that they are closely related to the contractor and the two sureties as stated above, that a division of the property was effected 15 years ago & that Javaré gowda and Obamma are the rightful claimants

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to the houses and lands mentioned in the petitions. The is Amildar of the Caluk reports in his No. 33 dated the 26th February 1894, that in order to evade payment the is contractor has is wilfully set up his own father Javaré Gowda and Obamma his Anuh, to put forward false claims and that their "Ta Karar" is not to be relied on as these persons are not of a very respectable is character.*

[illegible]
26/3/97

1896

Stamp sufficient
In time
Please see note on Petn No 3532
16/4 Sub-for orders
See order on that petition
6/5/96

Issue O.M. to the authorities
7/5

Attended to
7-5-96

SECTION S R
FILE No. 8 4 of 95-6
SERIAL 1

No. 3531 / C. 166 (1)

Name of Petitioner, Tobamma of

Village, Hadjana

Taluk, Mupore

District, Mupore

Date of Arzi,

Date of Receipt, 15-4-96

Date of Disposal,

No. of Enclosure, 4 (four)

ABSTRACT.

This is an appeal connected with the appeal petn No 3532 on the same facts

The petr urges in her petition that a house & 2 lands to which her husband brother Janaiay Gowda (petr of No 3532) her co-widows son Annay Gowda & herself are tenants in common were attached for default of his suretyship for one toddy vending contractor that though she put in her claim to the property in 1893 before the Amn when it was attached she recd no ~~reply~~ orders except that sent to her in Feby 1896

Prays

(1) that 1/4 of the attached property be released

(2) that not more than the right title & interest of the defaulter may be sold.

(3) that pending disposal an order may issue to the Dy Commr

not to confirm the sale of the land wh has already taken place & not to sell the other properties of wh sale has not yet taken place

G.K.
15.4.96

See remarks on Javare gowda's petn. AS. 13/4

Petn Br. 10/4/96

From Camp office 15-4-96

Reg: abstract Imbrant card R.D. 15/4

31—3—96

Two rupees stamp affixed

3531

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 766
DATE 12-4-96

To Two Rupees stamp affixed
The Govt of Mysore

AS No. 175 of 95-96
3531

Petitioner { Vobamma, widow of Annay Gowda, living in Hadajana village, Koodanaly Hobly, Mysore Taluq

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 3531R
DATE 15-4-96

Petd 11-4-96

The petitioner begs to state as follows

I The petitioner is the widow of one Annay gowda who had a brother by name Javaray gowda - these 2 brothers jointly acquired a house & 2 lands in the village of Hadjana they ~~were~~ divided 20 years ago - one ½ of the house & survey lands 179 & 180 fell to petitioner's husband's share - Petitioner's husband had ~~wife~~ 2 wives one the petitioner herself & another by name Yellamma by whom the petitioner's husband had a son Annay Gowda -

II owing to strifes in the family between the 2 ~~wif~~ wives, the Petr's husband divided what he got for his share & gave one half to the petitioner & another half to the other wife

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4

since the petitioner has
been in possession of
of her [illegible] by the
of the [illegible] of the properties.
Petr's steps on, & may good
~~[illegible]~~ became a defaulter
he having been a surety
for another taking
toddy ~~[illegible]~~ vending contract.
For the arrears due by the
the steps on, the petitioner's
properties were also ~~[illegible]~~
attached in 1893 - the petitioner's
immediately ~~[illegible]~~ put in
claim petition & proved
her case ~~[illegible]~~ from the
evidence of 5 or 6 witnesses.
Count witnesses also supported
the claim of the petitioner.
No ~~for~~ order passed
Excepting that a communication
was sent in February 96
that the Dy Comr decided
that the properties should be
sold. The petitioner had
no notice of the hearing
before the Dy Comr.
Petitioner's properties cannot
be sold for arrears due
not upon the land but
from the steps on of the
petitioner, in respect of
[illegible] contract.
The reasons urged in my
~~[illegible]~~ husband's brother's
[illegible] case [illegible]

for this case also [illegible]
Section 161 of Rev code no more than the
right, title & interest
could be sold. The Dy
Comm did not grant any
relief nor would he adjudi
cate upon the merits as he
says the matter is disposed
off by his predecessor.
The review filed was also
rejected. This order is
filed with the appeal memo
of my husband & brother.
The petitioner prays:-
(a) that ¼th of the attached
properties the specific portion
of which have been described
in the claim petition may
be released from attachment
(b) that not more than the
the right title & interest
of the defaulter may be
sold.
(c) that such other relief
as the Govt may think fit
may be granted.
(d) that pending the disposal
of this appeal, ~~the~~ an order
may be sent to the Dy Comm
not to confirm the sale
of ~~a~~ one land which has
already taken place & not
to sell the other properties
which sale has not as
yet taken place.

Necessary papers

Refusing 16.4

Sub
The telegram referred to in the petition is put up.
BCW 16.4.

SECTION S. R.
FILE No. 84 of 95 L
7

1896

No. 3532 / C:167

(2

Name of Petitioner, Javaray Jowda

Village, Hadjana

Taluk, Mysore

District, Mysore

Date of Arzi,

Date of Receipt, 15.4.96

Date of Dispos

No. of Enclosure, 4 / trans

Stamp sufficient
In time (from date of the Cur. Endorst. dated 16.3.96 Petr says he had no notice of previous orders - [illegible] 6 to 10 of the appeal petition)

Petr's claim to certain immovable properties attached for the recovery of arrears due by his son as a toddy contractor was apparently rejected

Under the provisions of the Civil Pro. Code that order would be final subject to the decree in any suit which he might institute to establish his claim

In the Revenue Code there is provision for the investigation of claims to attached movable property — Section 192. The Code probably contemplates immovable property in the Patta of the defaulter being proceeded with & hence there is provision for feiture & sale of such & none for investigation of claims thereto. This follows probably from the provision in Sec 143 —

It is not clear from the papers produced who was the Khatedar of the properties refd to by Petr.

Submitted to the Secretary
BR 16.4. This would be a council case
[illegible] that an appeal lies.

[illegible] in [illegible]
[illegible]
4-96

[illegible] record report
Meanwhile stop
further proceed
[illegible]
[illegible] 96.

ABSTRACT.

Appears against the order of the Dy Commr Mysore Dt, [illegible] 71 & 125 of 5.6.9 & 19.3.96 respectively

1st order [illegible] the Amildar [illegible] to the District suggesting the attachment & sale of the petrs property on account of the petr's son's default to the Govt in a toddy contract & is as follows: [illegible] meaning I approve of the suggestion & it may be carried out?

The 2nd order was on the [illegible] appn of the petr & is as follows: —

"You request that the property attached on account of the Shendi arrears due by your son Patel Jowda shd not be put up for sale [illegible]

This your Sakrar has, after enquiry, been rejected by the former Dy Commr who has issued Hukum No 71875.6.95 to the Amildar. (Supra). For which reason I am unable to do anything in the matter now".

The petr urges as follows:—

A house & 2 org lands Nos 179 & 180 wh were jointly acquired by him & his brother Annay Gowda were divided between them some 20 years ago & formed their self acquired property. One of the petr's eight 8 sons, named Papay Gowda, who left his father's roof some 18 years ago & lived with a kept woman at Kadakola, became a defaulter to the Govt in 1893 as contractor for vending toddy in Kadakola. Thereupon the Amr of the Mysore TK attached the house & the two 2 nos above refd to. On this the petr put in his claim petn on Feb/93 to the Amr who after examining the witnesses & the local officers reserved orders. The above Amr's 2nd successor gave him (Petr) an endorsement (that the Dy Commr decided that the property is to be sold) on 13.2.96 some 3 years after the claim was instituted & 2½ after the case was closed for formal orders. The petr was no party to the Dy Commr's order as he was neither heard nor had he notice of the hearing. When a review appn was filed to the Dy Commr on the ground that the absolute sale is opposed to Sec: 161 of the Rev: Code it was not granted; nor did the Dy Commr postpone the sale for 15 days tho' requested. On this a telegram was sent to the Govt who ordered the petr to file appeal in proper for. Petr contends that the property is his self-acquired; that his son has no right & therefore the property cannot be made

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Petitioner prays.

GOVERNMENT OF MYSORE

(1) that half of the property now under attachment be released as it ~~be~~ belongs to him.

(2) that if the Govt. shd. decide that the petrs property is liable, as being ancestral, for the dues of the son, execution may issue against 1/9 of half the property under attachment as the petr & his 8 sons are living & are entitled to a share ~~as pieces~~ each — the other half of the property under attachment being of course the property of the petr's brother's family.

(3) that pending disposal of the appeal, the sale of one field Wn has already taken place for Rs 32 may not be confirmed & that an order to the Dy Commr may be sent postponing the sale of other lands.

A.J.K.

15.4.96

Two rupees c. f. stamp affixed.

3532

X (2)

Petr. wants that the sale of certain lands shd be stayed. To be registered and submitted with previous references early. A.S. 13/4

From Cant. Mr. 15-4-96

Ref. [illegible]

31-3-96

M. Tirumaram Iyengar

Pet. [illegible]

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
10 CAMP 96 Mysore
REG'D. No. 167
DATE 12-4-96

To The Govt of Mysore
Two Rupees stamp affixed

Petitioner & Appellant { Jawaraygowda
Son of Venkataygowda

living in Hadyana village
Kudnally Hobly, Mysore
Taluq

Pet-d
11/4/96

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 3532R
DATE 15-4-96

A.S. No. 1757/3532
96-97

Genealogy

Jawaraygowda (Petr.)

Marygowda 2, Dapaygowda 3, Venkataraygowda
(defaulter 4 Ranpaygowda), 5 D Poolaygowda
6 Jawaraygowda, 7 C Poolaygowda
8 Poolaydapaygowda

Annaygowda
wives

Yellamma
Annayya (Surety)

Vobamma has daughter

The petitioner above named begs to state as follows:—

I The petitioner & his brother Annaygowda jointly acquired a house & 2 lands (dry ones) 199 & 18 in the village of Hadyana

II About 20 years ago the petitioner & his brother Annaygowda ~~you~~ divided themselves & the northern half of the house and ½ of the dry fields fell

to the share of the petitioner Appellant. These are therefore the self-acquired properties of the petitioner.

III The petitioner has got 8 sons living. ~~One~~ Paupay gowda one of the sons, left the petitioner's house about 18 years ago, went to a different village viz Kudakola & has been living there with a kept woman. It appears this Paupay gowda became a contractor for vending toddy in the village of Kudakola of which he was a resedant & became a defaulter to the Govt in 1893

IV For the arrears due to govt by Paupay gowda the amildar of mysore Tailing attached the whole house & land numbers 179 & 180 which are the sole properties ~~belonging~~ which the petitioner & the descendants of the petitioner's brother had & which they jointly acquired. Excepting these the ~~prop~~ petitioners this sons have no property.

V ~~Either~~ The petitioner soon as he heard of the attachment, put in a claim petition urging

his claims through an advocate
Examined 8 witnesses to
prove that the attached properties
are the self acquisitions of
the petitioner this brother
& that the defaulter has
not been ~~to~~ enjoying the
properties

VI The amildar also,
in order to satisfy himself
as to the truth of the claim
Examined the Polail, Shanbouge
& other witnesses as Sirkar
witnesses & they also bore
out the claims of the petitioner.
After this the amildar ~~for~~
reserved the case for orders

VII This amildar was
succeed by another & he ~~to~~
in his turn by a 3rd Gentleman
who issued an ~~order~~ endorsement
to the effect that the Dy Comr
decided that the properties
should be sold, & that I
might appeal against the order
or ~~show~~ produce Jnoft or
orders to show why the sale
should not take place.

VIII This Endt No 43 dated
13-2-96 is produced herewith.
The petitioner put in his claim

petition ~~on the~~ February
1893 There was no formal
order passed ~~allowing or~~
~~d~~ by the amildar allowing
or disallowing the claim
The petitioner ~~lef~~ learnt a
few days ago that the amildar
had made an report to the
Dy Comr & that the order
"[illegible]" was communicated
to the amildar by the Dy Comr
An authenticated copy of the
order ~~is filed~~ of the Dy Comr
is filed herewith

IX The petitioner incurred
some 70 or 80 Rs expenditure for formally
proceeding with his claim
by engaging a lawyer, by sum-
moning witnesses etc. Several
times that the case came
for hearing & he was entitled
to a formal order being
pronounced by the amildar
either allowing or disallowing
the claim Instead of this
an endorsement referred
to above & which is filed herewith
& dated 13-2-96 is given to
the petitioner ~~[illegible]~~ some
3 years after the institution
of the claim & almost 2½

14 years after closing the case
X The petitioner was no party
to the order passed the
Dy Comr. The Petitioner
was neither heard nor had
he any notice of the hearing

XI When an appeal was filed
to the Dy Comr, he did not interfere
on the score that there ~~was~~
was already a Kanarese order
passed by his predecessor
viz the order "[illegible]" copy
of which is filed herewith
When a review application
was filed requesting the pres
Dy Comr to review the order
amongst ~~[illegible]~~ other reasons
for the reason that the absolute
sale is opposed to section 161
of the Revenue code ~~which pr~~
under which, right title & interest
of the defaulter in properties
~~[illegible]~~ if any ~~of the defaulter~~
may be sold — the Dy Comr
would not grant the review too
nor was he pleased to ~~grant~~
grant 15 days time till when,
the sale could have been post-
ponded.

XII Upon this, the petitioner & his
brothers widow Vobamma who
has also put in a claim petition
for her share shut to your honor

a telegram on the 20th instant (March) your honor sent me the order ~~directing~~ requiring me to file the appeal in proper form. This copy is also filed herewith.

XIII a The property attached ~~must be~~ is in the joint Patta of the petitioner & his brother. It must be either his self-acquisition or his ancestral Estate. If it is his self acquisition as the petitioner contends & as he has proved beyond doubt the son has no right & therefore the property cannot be made liable to be sold for the arrears not due upon the lands ~~but~~ but due from a son who has been living separately.

(b) If the property is ~~for~~ ancestral, the petitioner has got 7 other sons living ~~behind~~ ~~besides~~ as heirs besides himself. How can the whole property be sold for the arrears due by one son? Will not the absolute sale create unnecessary litigation & fight between the purchasers & the petitioners. It is for this purpose that section 161 Rev code provides, ~~for~~ that when other lands or properties alleged to belong to the defaulter are sold only the right title & interest of the defaulter will be notified

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for sale. Where, by claim petitions it is shown that the defaulter has no interest at all in the attached properties they should be released from attachment.

XIII For these reasons, the petitioner prays:-

(a) that the northern half of the house & hittal & one-half of the lands survey no 179 100 & which specific portion is specified in the claim petition of the petitioner may be released from attachment.

(b) that in case the Govt thinks that Execution should take place, there being brother & one father, besides the son Pandaygowda (defaulter) the Govt may direct the Dy Comm to sell only ½ the share out of half the properties attached, which ½ came to the petitioner's share between him & his brother.

(c) that if nothing else could be done an order may be passed to sell only the right title & interest of the defaulter ~~if any may be~~ ~~directed to be sold~~

(d) that pending the disposal of this appeal, the sale ~~which~~ of one field

which has already taken place for 32 Rs ~~may be~~ ~~direct~~ ~~be~~ may not be confirmed & that an order may be shut to the Dy Comr that the sale of other lands may be postponed.

(e) For such other relief as the Court might think fit to grant.

COURT FEE

19-3-96

M. P. Ramanama Iyer

EIGHT ANNAS

[illegible]

1895-96 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Advocate for petitioner

[illegible]
1895-96 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Advocate
for petitioner

Camp No. 33

P (3) 20

SECTION S. R.

FILE No. 84 of 95-6

SERIAL No. 3

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petitions No. 3531 & 3532 dated — Nil received at the Dewan's Office from Obamma and Javare Gowda respectively Hadjun vill Mysore Taluk appealing against the order of the Dy. Comm. Mysore Dist. directing the attachment & sale of the petr's house & lands for arrears due to Govt. by Pape Gowda, son of Javare Gowda as a Coddy Contractor

is forwarded, together with ~~its~~ their Eight enclosures, to the Deputy Commissioner of Mysore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petitions.

2. The petitions with ~~its~~ the enclosures should be returned.

3 ~~It is further~~ Requests that further proceedings may be stopped pending orders on the above Petitions

By order,

Camp Mysore
~~BANGALORE~~,
9th May 1896

9/5
~~Chief~~ Secretary.

Issued.
SV 9/5

M.G.C.P.B.—25-4-95—1,000

No. 1263
Enclosures No. Two petitions & its En. (8) and record

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 10th February 1897

SECTION S. R. To
FILE No. 84a/956
SERIAL No. 4

The Secretary to the Government of Mysore,
Revenue and General Departments.

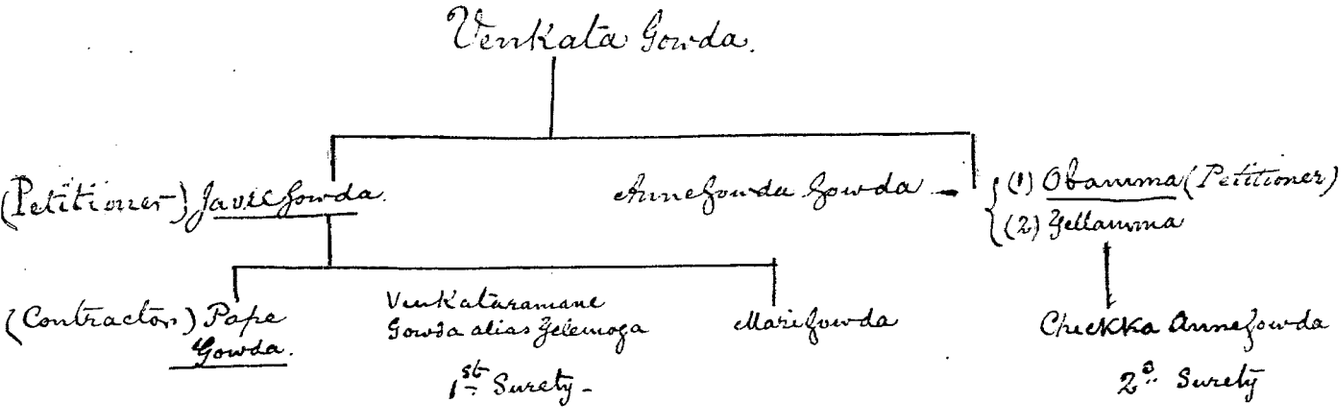
SIR,

With reference to your official Memorandum No. C. 33 dated the 9th May 1896, calling for a full report in-re the petitions of Obanna, and Javre Gowda residing in Hadjana village, Mysore taluk, appealing against this Office order directing the attachment and sale of the petitioner's houses and lands, on account of abkari arrears due to Government by one Pape Gowda, Toddy Contractor of Hadjana and other villages in the Mysore taluk for 1892-93, I have the honor to state as follows:—

2. Contractor Pape Gowda is very closely related to Venkataramana alias

Yelemoga

Yelemaga and Chickka Anne Gowda the 1st and 2nd sureties respectively, as shewn in the subjoined genealogical tree.



3. Pape Gowda having failed to pay up his Kists from July to October 1892, which amounted in all to Rs 2032-5-2 he and his sureties were proceeded against and their fields and houses referred to in the appeal petitions were put to auction as per this Office order No 71 dated the 5th June 1895. The present appeal to Government by Javre Gowda and Obamma is against this order.

4. The purchaser of the said immoveable property deposited Rs 9, but failed to pay the full amount of the bid at the proper

time

time. All further proceedings have however been stopped as per instructions contained in para 3 of the memo under reference.

5 From the statements of witnesses (to be found in the file) cited by the petitioners it would appear that they are closely related to the Contractor and the 2 Sureties as stated above, that a division of the property was effected 15 years ago and that Javre Gowda and Obamma are the rightful claimants to the houses and lands mentioned in the petitions The Amildar of the Mysore taluk reports in his No 33 dated the 26th February 1894, that in order to evade payment the Contractor has

wilfully

24

wilfully set up his own father Javare Gowda and Obamma his aunt to put forward false claims and that their takarar is not to be relied on as these persons are not of a very respectable character.

6. The petitions and their enclosures received with the memo under reply are herewith returned.

I have the honor to be,
Sir,
Your most Obedt Servant.

[signature]
Deputy Commissioner
of the Mysore District

Compd:
[signature]

subd with reference to the order
on petns No 3531 and 3532 of
95-96 by the 2nd cr

16/2/97

Make a precis of the relevant papers early
(wh we small) 21/2

Given on 2/3 for precis
nd 20/3/97.
subd
20/3

C.33

25

REVENUE DEPARTMENT
1896-97 Gl. No. 5396
Pet. 504
1 FEB. 97
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 10
Despatched } February 1897.
Received

Enclosures No. Two petitions and its enclosures (8) and record.

No. 1263

Reporting on the petitions of Obamma and Javerigowda of Hadjana village, Mysore taluk anent the attachment and sale of their house and lands for arrears due to Government.

Petition Branch
1572
15/2

Submitted with refces.
16/2

(118)

15-26

SECTION S. R.

FILE No. 84 of 95 B

SERIAL No. 5

From The Secretary to the Govt. of Mysore

To The Dy Commr., Mysore Dt

Dated 23rd April 97

24

No. 9249 / P. 1569

Adverting to his letter No. 12638 10th February 1897 reporting on the petitions of Obamma & Javare Gauda of Hadyana village, Mysore Taluk, appealing against his order directing the attachment and sale of their house & lands in satisfaction of the arrears of Toddy Revenue due by defaulting Toddy Vend ~~Contractor~~ farmer Pape Gauda, has the honor to request that he will be so good as to send ~~the surety~~ bonds executed by the Contractor & his Surety bonds & ~~agreement of the Contractor~~ for reference in connection with the appeal

of Obamma & Javaregauda
pending before Govt.

By Order

Asst. Secretary

Dft

B.C.

23/4

Refs quoted within are
with Mr. Narasimmah's
Commission with an Appeal
Case of Obamma

AK
22/5/97

Mr. Narasimmah
Please place this with file

24/5/97

SECTION S. R.

FILE No. 84 of 95-6

SERIAL No. 6

REVENUE DEP. 1897 No. 7728 Pet 686 MAY 97 DEWAN'S OFFICE

From

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Govt. of Mysore,
Revenue and General Departments.

Dated 17th

Despatched May 1897.

Received

General No. 1779
No.

Enclosure No. One

Forwarding as required Mutcha-
lika, executed by Contractor Papê
Gowda and his surety

Petn. Pbt
20/5/97

20/5/97

Rec
21/5

(36)

29

No. 1719
Enclosure No. one

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 17th May 1897.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

As required in your docket No. 9249/P. 1569 dated the 23rd April 1897, I have the honor to forward herewith the Muchalika executed by Contractor Pape Gowda and his sureties.

I have the honor to be,

Sir,

Your most obedient Servant,

[illegible]

Dy Commissioner
Mysore

Compd.
[illegible]

(7) 81

Draft for approval
Sub^d to 2nd Councillor
[illegible] 18/6/97

Rd 6.20 P.m.
18/6/97

SECTION S. R
FILE No. 84 of 950
SERIAL No. 7

Proceedings of the Govt of Mysore

Read
(1) Pet^ns Nos 3531 & 3532 from Obamma & Javare Gauda respectively, Hadjana village Mysore taluk, appealing against the Dy Comm^r's order directing the sale of the pet^rs' house & lands in satisfaction of Abkari arrears due by Pape Gauda, son of Javare Gauda to Govt

(2) Records of the case received with letter No 1263 d 10/2/97 from the Dy Comm^r, Mysore Dt reporting on the above, which show the facts to be briefly as follows.

Pape Gauda was the toddy-vend farmer of Hadjana & 9 other villages, Mysore taluk for the year 1892-93. The contractor & his sureties, Venkatramana Gauda &

Land Rev Code and ordered their sale thereof. The petrs have appealed against this order, having failed on their application for review

Order thereon — The Dy Commr has rejected the exclusive claims set up by the petrs after due enquiry and Govt see no sufficient reason to interfere with that decision. The order staying the sale is withdrawn & the Dy Commr will proceed to recover the arrears in due course.

X Pl. Serial no 24

No 11509 & 26.6.97 (1847)
P.7.68-96.

[illegible] 19/6/97

~~The Dy Commr~~ X The Dy Commr's attention is drawn to GO no 1567-8 Pet 127 & 20/7/93 wherein it has been ruled that only the right, title & interest of the defaulter & his sureties can be sold. [illegible] 25/6/97

[illegible] 26/6/97

[illegible] 18/6/97

X This portion is subd for A case in wh the sale [illegible] absolutely for realizing [illegible] was cancelled [illegible] In the present case, the [illegible] has declared the lands forfeited free of encumbr (please see Serial no 24)

The reservation may not favour petrs but is required by law [illegible] 18/6/97

To the Deputy Commr Mysore Distt

Retain this we have only [illegible] interests [illegible] of [illegible] [illegible]

[illegible] 23/6/97

(deceased)
...mma (1st petr)
...Mamma
...Anne Gauda
...Surety)

from the petitioners
In ~~During~~ the enquiry that
followed, no evidence was
adduced to sustain the
plea of self-acquisition and
the evidence to prove partition
of family property was not
reliable On the other hand
it was admitted by the petrs
that Pape Gauda had no
separate house of his own
~~but was living in their house~~
and that Javare Gauda, 2nd
petr had ~~manag~~ been
in charge of the toddy shop
at Hadjana on behalf of
his son Pape Gauda

The amildar accordingly reported in
February 1894 that the contractor had
set up the petrs to put
forward false claims and
solicited permission for the
lands being proceeded against.

The Dy Comm concurring
in this view the amildar
declared in July 1895 the lands forfeited
absolutely under sec 54 of the

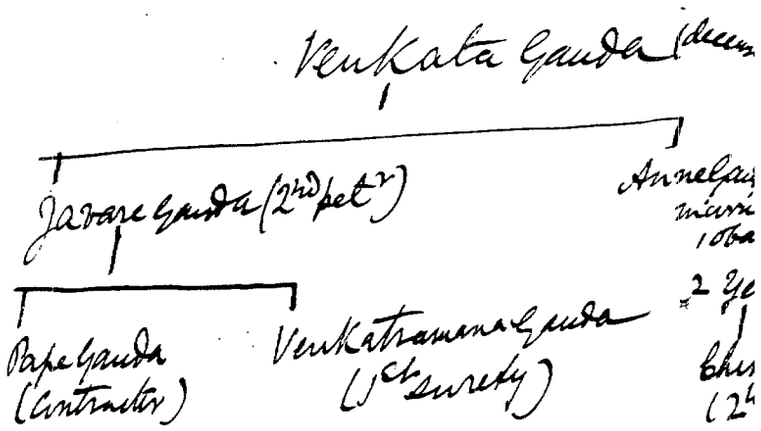
32

Chik Anne Gauda, are related to the petrs as shown in the margin

Pape Gauda paid the khists regularly for 2 months but fell into arrears from July 1892

For realizing the arrears amounting to Rs 2032-5-2 on account of khists from July to October 1892 the amildar directed in January 1893 the attachment & sale of the petrs' house & two dry lands Snos 179 & 180 in the joint registry of Javare Gauda & Anne Gauda

Petrs presented a petn in Feby 1893 to the amildar protesting against the attachment on the ground that the lands in question were the self acquired property of the 2nd petr and his brother Anne Gauda and that Pape Gauda & Chik Anne Gauda (2nd surety) were divided



SECTION S. R.
FILE No. [illegible]
SERIAL No. 8

1

(8) 2-7-985 [illegible]

[illegible]

[illegible] 179-180 [illegible]

[illegible] 10-4.96 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2.7.97

By Order

For Secretary

Draft
[illegible]

(9) drafts for approval

3532 — 4 [illegible]

2-7-97

[illegible]

SECTION E R

FILE No. 86 of 95-6

SERIAL No. 9

[illegible]

[illegible]

[illegible] 2.7.97. [illegible]

By order

For Secretary

Draft

~~Draft~~

Abu

Draft as per order

(10) 39

GOVERNMENT OF MYSORE

SECTION S.R.

FILE No. 84 of 95-6

SERIAL No. 10

To

The Excise Commr.
in Mysore

No 471/Ex 19 Ex 1

Dated 12 July 1897
12

With reference to Govt. pres. no. 11509/P7. 68-96 of 26/6/97 (a copy of which is herewith forwarded) directing the Dy. Commr. of the Mysore District to recover ~~of Abkari~~ the arrears of Abkari Revenue due from one Pape Gowda defaulting toddy vend farmer of Hadjana & 9 other villages, Mysore taluk for 1892-93, has the honor to request that ~~as~~ the Excise Commr. will be so good as to state ~~report as to the~~ what measures ~~which~~ the Dy. Commr. ~~[illegible]~~ proposes to adopt for clearing the heavy balance outstanding against the defaulter and

~~The Excise Commr. is further requested to~~ ascertain & report ~~as to~~ who is responsible for giving the contract to such

a pauper on the security of

his close relations who are themselves

~~[illegible]~~ paupers.

9/7/97

"B O"

[illegible]
7/7/97

Secretary

8/7/97

(14)

REVENUE DEPARTMENT
1897 Gl. No. 1186
No. Sn 741
- 9 AUG. 97
DEWAN'S OFFICE

SECTION S. R.

FILE No. 84 of 95-6

SERIAL No. 11

From

The Excise Commissioner in Mysore

To

The Secretary to Govt. of Mysore.

General and Revenue Depts.

Dated 6 August 1897.

Despatched 7th Do

Received

General No. 1357

No. 63

Enclosure No.

In reply to Government Proceedings No. 11509 / P.F. 68-96, dated 26th June 1897

SUBJECT.

Requests that the records of the case relating to the arrear of Abkari Revenue, due from one Pape Gowda, defaulting Toddy Vend Farmer of Hadjana and 9 other villages, Mysore taluk for 1892-93, may be returned

References (to be entered only in the Dewan's Office.)

Ex Com refce 11/8/97

Rev 9.8.97

Rcd 10/8

Subd with draft after 3 pm

11/8/97

No. 1357/63

Excise Commissioner's Office
Bangalore dated 6th/7th August 1897

From.

The Excise Commissioner
in Mysore.

To.

The Secretary to the
Government of Mysore
General and Revenue Departments.

Sir, Adverting to Government Proceeding No. 11509/P.F. 68-96, dated 26th June 1897, I have the honor to request that the records of the case relating to the arrears of Abkari Revenue, due from one Pape Gowda, defaulting toddy vend farmer of Hadjana and other villages, Mysore taluk for 1892-93, submitted to Government with the Mysore District Deputy Commissioner's No. 1263, dated 10th February 1897, may be returned to this Office, as the Deputy Commissioner has applied for the same for reference.

I have the honor to be,
Sir,
Your most obedient servant,

Excise Commissioner
in Mysore

Draft for appl (12) 43

To

The Excise Commr
in Mysore

SECTION S.R.
FILE No. 84 of 95-6
SERIAL No. 12

2006 Ex V.P.
No 68
Dated 21/21 August 1897

His letter no. 1357/63 of 6th August 1897 requesting the return of the records of the case connected with the arrears of Abkari Rev. due from one Pape Gowda, defaulting toddy vend farmer of Hadjana & 9 other villages in the Mysore Talik for 1892-9.

Submitted with the Mysore Dy Commrs No 1263 ~~& 1719~~ of 10th Feby/97 ~~17th May 1897 respectively~~

Has the honor to return the records referred to in the above as also the Mutchellika received with the Dy Commrs No 1719 of 17th May/97. B O

16/8/97
for Secretary

14/8/97
No 16/5

189 (15) 44

The Secretary to the Govt. of Mysore.

SECTION S. R.

FILE No. 84 of 95-6

SER. No. 13

To

The Excise Commissioner in Mysore.

Dated 6/7/98

Despatched 6

Received

General No. 87

No. Ex. 6

Enclosure No.

This Office No. 471 – Ex 19 dated 12th July 1897 calling for information as to what measures the Mysore Dy Comr proposes to adopt for clearing the heavy arrears due from one Pape Gowda Toddy vend farmer of Hadjana and 9 other villages in the Mysore Taluk for '92-93 and subsequent reminders marginally noted.

× 8095 / Ex 312 of 3rd March 1898

10317 / Ex 419 dated 27th April 1898.

Has the honor to draw attention to the above and to request an early reply thereto.

By Order,

4/7/98

Under-Secretary.

AB
4/7/98

Ex. 17. 45

Gen. 30]

REVENUE DEPARTMENT
189 Pt. No. 170
JUL. 9 - 1898
No
DEWAN'S OFFICE

SECTION S.R
FILE No. 84 of 95-6
SERIAL No. 14

From

The Excise Commissioner in Mysore

To

The Secretary to the Govt. of Mysore,

General & Revenue Depts

Dated 7th July 1898

Despatched 8

Received

General No. 283

No. 15

Enclosure No.

In reply to Secretary's docket No. 87 Ex 6 dated 6th instant.

SUBJECT.

States that the information as to what measures the Deputy Commissioner, Mysore District, proposes to adopt for clearing the heavy arrears due from Pape Gowda, defaulting toddy vend farmer of Hadjana &c in the Mysore taluk for 1892-93 has not yet been received from the Deputy Commissioner.

References (to be entered only in the Dewan's Office).

12/7/98 Rev 9.7.98

Subd

This may be filed.

12/7/98 further present 12/7/98

46

No. 283/15

Excise Commissioners office
Bangalore, dated 7th July 1898

(158)

From

The Excise Commissioner
in Mysore

To

The Secretary to the Government
of Mysore
General and Revenue Departments

Sir,

In reply to your docket No. 87/Ex.6, dated 6th instant, I have the honor to state that the information as to what measures the Deputy Commissioner, Mysore District, proposes to adopt for clearing the heavy arrears due from Pape Gowda defaulting toddy vend farmer of Hadjana &c. in the Mysore taluk, for the year 1892-93, has not yet been received from the Deputy Commissioner, to whom another reminder has been sent.

I have the honor to be,
Sir,
Your most obedient Servant

[illegible]
For Excise Commissioner
in Mysore

[illegible]

6th Reminder

189 (19) 47

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To The Excise Commr in Mysore

Dated

Despatched

Received

General No. 1549 & 17/8/00.

No. Ex 7. 38-96

Enclosure No. 17

SECTION S. R.

FILE No. Ex. a 1956

SERIAL No. 15

This Office No. 471 - Ex 19

dated 12th July 1897

calling for information as to what measures the Mysore Deputy Commr proposes to adopt for clearing the heavy arrears due from one Pape Gowda, Doddy Vend Farmer of Hadjana and 9 other villages in the Mysore Taluk for 1892-93

and subsequent reminders marginally noted.

(1) 8095/Ex 312 & 3rd March 1898

(2) 10317/Ex 419 & 27th April 1898

(3) 87/Ex 6 & 6th July 1898

(4) 742/Ex 13 & 22nd July 1899

(5) 814/Ex 7. 38-96 & 17th May 1900

Has the honor to ~~draw~~ invite attention to the above and to request a very early reply thereto.

By Order,

16/8/00

For ~~Under~~-Secretary.

KS 16/8/00.

Excise] (20)

...JE DEPARTMENT
Gl. No. 1516
JG. 22 8 68
...FICE

~~189~~ 1900

From The Excise Commissioner in Mysore

To

THE SECRETARY TO GOVT. OF MYSORE,

General and Revenue Dept.

Dated 20th August 1900

Despatched 21

Received

General No. 1256

No. 63

Enclosure No.

In reply to Secy. no. 1549 / En 7.3896 dated 17th Instant.

SUBJECT.

States that an urgent reminder has been sent to the Dy. Commr. Mysore Distt. asking him what measures he proposes to adopt for clearing the heavy arrears due from Papl Gowda Toddy vend farmer of Hadjana &c. Mysore Taluk.

References
(to be entered only in the Dewan's Office.)

R EXW Submitted to 22.8.00 Kcg - There has been very long delay in the Distt. EN 20/8/00

KS 23/8/00

Say that Govt. are disappointed that there has been such great delay and that they hope that the Dy Comr will find it possible to submit his report without further delay

30/8/00

EN 30/8

SECTION S R

FILE No. 86 of 956

SER... No. 16

No. 1256
63

Excise Commissioner's Office
Bangalore Dated 20th/21st Augt 190

From

The Excise Commissioner
in Mysore

To

The Secretary to Government of Mysore
General and Revenue Depts.

Sir,

In reply to your docket No: 1549/Ex.738-96 dated 14th instant, I have the honor to state that an urgent reminder has been sent to the Deputy Commissioner, Mysore District requesting him to report immediately what measures he proposes to adopt for clearing the heavy arrears due from Papé Gowda, Toddy vend farmer of Hadjana te, Mysore Taluk.

I have the honor to be
Sir,
Your most obedient Servant
[signature]
for Excise Commissioner
in Mysore

Draft as per or-S.O.

(21)

Read:—

Letter no. 1256/63 dated 20th August 1900 from the Excise Commr. in Mysore stating, in reply to this office o. 1549/Ex.7.38-96 dated 17th August 1900 that an urgent reminder has been sent to the Deputy Commr., Mysore District, requesting him to report immediately what measures he ~~would~~ proposes to adopt for clearing the heavy arrears due from Papê Gowda Toddy Vend farmer of Hadjana de, Mysore Taluk, for the year 1892-93.

SECTION S.R.
FILE No. 84 of 956
SERIAL No. 17

Order thereon:—

Government are ~~dis~~ disappointed that there has been such great delay, and ~~that~~ they hope that the

2121-22 23/9/1900
Ex.7.38-96
3

Deputy Commissioner of Mysore will find it possible to submit his report without further delay.

31/8/00

Secretary

31/8/00

To
The Excise Commr.
" Deputy Commr.,
Mysore District.

7th Reminder

189 (22)

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To The Excise Commr in Mysore

Dated

Despatched

Received

General No. 3883 dt 12/11/00

No. Ex. J. 38-96

Enclosure No. 12

SECTION S. R.

FILE No. 86 of 95-6

SERIAL No. 18

(10)

(1) 8095/Ex 312 dt 3rd March 1898

(2) 10317/Ex 419 dt 27th April 1898

(3) 87/Ex 6 dt 6/7/98

(4) 742/Ex 13 dt 22nd July 1899

(5) 814/Ex 7. 38-96 dt 17th June 1900

(6) 1549/Ex 7. 38-96 dt 17th August 1900

This Office No. 471/Ex 19

dated 12th July 1897

calling for information as to what measures the Mysore Deputy Commissioner proposes to adopt for clearing the heavy arrears due from one Pape Gowda, Toddy Vend Farmer of Hadjana and 9 other villages in the Mysore Taluk for 1892-93

2. And subsequent reminders marginally noted

3. Govt. Proc. No. 2121-22 (21)/Ex 7. 38-96 dt 3rd Sept 1900 stating that Govt. are disappointed at such great delay and that they hope that the Deputy Commr of Mysore will find it possible to submit his report without further delay

~~And subsequent reminder marginally noted.~~

Has the honor to ~~draw~~ invite attention to the boye and to request an very early reply thereto.

By Order,

For Off. Under-Secretary.

8/11/00.

Wait for a fortnight more for the further report promised

AR

23/11

Excise]

REVENUE DEPARTMENT
Gl. No. 3508
NOV. 20 00
No. Ex 164
DEWAN

189

(23)

From

The Excise Commissioner, in Mysore

To

THE SECRETARY TO GOVT. OF MYSORE,

General and Revenue Depts

SECTION S.R

FILE No. 84 of 956

SERIAL No. 19

Dated 16th November 1900.

Despatched 19 do

Received

General No. 2795

No. 146

Enclosure No.

In reply to Secys reminder No 3883/38-96 dated the 12th Instant

SUBJECT.

Reports the cause of delay in furnishing further information regarding the arrears due by Rape Gowda, defaulting toddy vend farmer of the Mysore Taluk for 1892-93

R

20.11.00

References
(to be entered only in the Dewan's Office)

Submitted with reference to this office no 3883/Ex 738-96 & 12.11.1900.

22/11/00

No. 2795/146

Excise Commissioner's office
Bangalore, dated 16th November 1900.
19

From

The Excise Commissioner,
in Mysore.

To

The Secretary to Government,
General and Revenue Department.

Sir,

With reference to your Reminder No 3883/38·96, dated the 12th Instant, calling for further information regarding the arrears due by Rape Gowda, defaulting toddy farmer of the Mysore Taluk for 1892-93, I have the honor to state that as it has since come to notice that the property of Rape Gowda distrained and sold for his arrears was purchased by others on account of the benefit of the defaulter himself, the Deputy Commissioner has been requested to enquire and report in whose possession and enjoyment the auctioned property is at present. I shall submit the report called for by Government on receipt of the Deputy Commissioner's reply.

I have the honor to be,
Sir,
Your most obedient Servant,

For Excise Commissioner,
in Mysore.

12th Reminder
1901

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

(27)

SECTION S.R.

FILE No. 84 a 79 5-6

SERIAL No. 20

To The Excise Commissioner in Mysore

Dated 10th July 1901

Despatched

Received

General No. 226

Ex 7. No. 38-96

Enclosure No.

This Office No. 471/Ex 19

dated 12th July 1897

calling for information as to what measures the Mysore Deputy Commissioner proposes to adopt for clearing the heavy arrears due from one Pápé Gowda, Toddy Vend Farmer of Hadjana and 9 other villages in the Mysore Taluk for 1892-93

and subsequent reminders marginally noted.

Has the honor to draw attention to the above and to request an early reply thereto.

By Order,

Draft

For ~~Under~~-Secretary.

8/7

8/7/01

(1) 8095 Ex 312 dt 3/3/98

(2) 10317 Ex 419 dt 27/4/98

(3) 87 Ex 6 dt 6/7/98

(4) 742 Ex 13 dt 22/7/99

(5) 814 Ex. 7. 38-96 dt 17/5/00

(6) 1549 Ex. 7. 38-96 dt 17/8/00

(7) Govt. Progs. 2121-22 Ex. 7. 38-96 dt 3/9/00

(8) 3883 Ex. 7. 38-96 dt 12/11/00

(9) 4963 Ex. 7. 38-96 dt 3rd Jan 1901

(10) 6239 Ex. 7. 38-96 dt 18th Febry 1901

(11) 8382 Ex. 7. 38-96 dt 16th April 1901

Ex. 70

(29)

1901. 2842 / 30-8-01

From P. N. Purnaiya Esquire B.A
Excise Commissioner in Mysore
Bangalore

To H. V. Nanjundaiya Esquire
M.A., M.L.
Secretary to Govt. of Mysore,
General and Revenue Depts.
Bangalore.

Dated 23rd
Despatched 27 } August 1901.
Received

General No. 1648
No. 67

Enclosure No. 1

SECTION S. R.
FILE NO. 86 of 95-6
SERIAL NO. 21

In reply to Secretary's docket No. 471/Ex19, dated 12th July 1897 and his last reminder No. 226/Ex21 38-95, dated 10th July 1901.

Requests that as the arrears due from Pape Gowda defaulting toddy shops keeper of Hadjana and other toddy shops in the Mysore Taluq for the year 1892-93, are irrecoverable, they may be ordered to be written off the accounts.

Gen
30.8.01

57

Excise Commissioners Office.
Bangalore, Dated 23d August 1901
27 8

No 1648/67 Exc.

From

P. N. Purnaiya Esquire B.A.,
Excise Commissioner in Mysore
Bangalore.

To

H. V. Nanjundaiya Esquire MA, ML.,
Secretary to Government of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

Adverting to your docket No 471/Ex19 dated 12th July 1897 and last reminder No 226/Ex 2138-96, dated 10th July 1901, I have the honor to state that it appears from the records that the toddy shops of Hadjana, Kadakola, &c in the Mysore taluk for the year 1892-93, were sold to Eedigar Papé gowda for Rs 6387-12-0, by the Special officer Mr Gopalaiengar, and Papé gowda's own brother Venkataramana and his paternal uncle Annah were accepted as his sureties, evidently with no knowledge of their impecuniosity. They failed to pay their Khists from June 1892,

and went on applying for postponements. At last in November 1892 the shops were resold at a loss of Rs 661-9-0. The total arrears due by the defaulters from the date of resale, up to the end of the lease, amounted to Rs 4523-15-2. Towards this amount Rs 2578-10-0 were recovered by the sale of the property of the defaulters and by the resale of the shops, leaving a balance of Rs 1945-5-2 The Deputy Commissioner of the Mysore District reports that there is no means of recovering this amount, and recommends that it may be ordered to be written off the accounts. I beg to submit herewith the remission statement received from him, and to request that as the amount is quite irrecoverable, sanction may be accorded to the same being written off the accounts, together with interest due thereon up to date

I have the honor to be,

Sir,

your most obedient Servant,

[illegible]

For Excise Commissioner

Mysore

(30) 59

To

The Excise Commr
in Mysore

[illegible]	S.R.
[illegible]	84 of 95-6
[illegible]	23

No 4466
Ex. F. 38 96
Dated 11th September 1901

His no. 1648/67 dated 23rd August 1901, submitting ~~for sanction~~ a remission statement for Rs 1945-5-2 being the amount of arrears due from ~~the defaulting toddy vend farmer pepegowda~~ one pepegowda, defaulting toddy vend farmer of Hadjana and 9 other villages in the Mysore Taluk for 1892-93, ~~on the grou~~ and requesting sanction thereto on the ground that the ~~amount~~ balance of arrears is quite irrecoverable

With reference to the above has the honor to request that the Excise Commr will be so good as to ~~forward~~

submit a detailed report as to whether any property of the man was proceeded against as ~~[illegible]~~ ordered in Govt. prop. no. 11509 / R.F. 68-96 dated 26th June 1897, and whether any more is not available, ~~[illegible]~~ together with the records of the case.

"B. O."

[illegible] 9/9/01

For Secretary

KL
9/6/01.

Ex. 601.

OFFICE OF THE ... 1901. 3857 / 21-9-01 ... DEWAN OF MYSORE

FROM

P. N. Purnaiya Esquire BA.
Excise Commissioner,
in Mysore.

To

H. V. Nanjundayya Esquire MA, MI
Secretary to Govt of Mysore
General & Revenue Depts

Dated 14th
Despatched 15 } September 1901.
Received

General No. 2100
No. 89 Enc one file of vernacular papers

Enclosure No.

In reply to secretary's docket No 4466 / Ex 38-96, dated 11th September 190

Subject

States that the property of the defaulter Pape Gowda and his sureties was put up to public auction, and only Rs 8 were realized and the remaining balance, Viz Rs 1945-5-2, has been recommended for remission

Exam
24 9.01

SECTION S.R.
[illegible] 8 Wapog Ch
S[illegible] 2-B

(230)

62

Excise Commissioners
Bangalore, Dated 14th Septe
15

No. 2100/89 Enc, file of V. papers

From

P. N. Purnaiya Esquire, B.A.,
Excise Commissioner in Mysore,
Bangalore.

To

H. V. Nanjundayya Esquire, M.A. M.L.,
Secretary to Government of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

In reply to secretary's docket No. K 4466/En Fi 38-96 dated 11th September 1901, I have the honor to state that the property of the defaulter Pape Gowda and his sureties was put up to public auction in accordance with government Proceedings No. 11509/P. Fi. 68-96, dated 26th June 1897, and only Rs 87/- were realized. Before this sale, the arrears amounted to Rs 2032-5-2, and from this sum the above Rs 87/- being deducted the balance amounted to Rs 1945-5-2 which has been recommended for remission.

2. The file of Vernacular correspondence is herewith sent.

I have the honor to be,
Sir,
Your most obedient servant.

[signature]

For Excise Commissioner
in Mysore

(32) 63

Read again:—

Government prop.

no 11509 / P.F. 68-96 dated 26th June 1897, directing that the Deputy Commr. Mysore Distt. should proceed to recover the arrears of Rs 2032-5-2 due from one Papegowda defaulting toddy vend farmer of Haalana & 9 other villages in the Mysore Taluk for 1892-93.

Also Correspondence ending with letter no 2100/89 dated 14th September 1901 from the Excise Commr. in Mysore, stating that a further sum of Rs 87/- was recovered ~~from~~ the sale of the properties of the defaulter and his sueties, and recommending that the ~~irrecoverable~~ balance of Rs 1945-5-2, may be remitted as there is no ~~[illegible]~~ other means of recovering

SECTION S.R.
FILE 84 of 956
SEC 2 & 4

the ~~balance~~ same

Order thereon:—

No. 5740-41 D/2/10/1901.
Ex.F. 38. 96.

~~The remission of Rs 1945-5-2 recommended by the Excise Commr is sanctioned and the Govt direct that the amount viz 1945-5-2 with interest thereon be written off the accounts, with the remark that it is a matter for regret that the defaulter was allowed to ~~into~~ fall into arrears to such a considerable extent.~~

As recommended by the Excise Commr, the remission of the irrecoverable balance of Rs 1945-5-2, together with interest thereon is sanctioned, with the ~~remark that it~~

26/9/01
For Secretary

Indcouncillor's order

KC
26/9/01

To
The Excise Commr
Comptroller with records.